

REMARKS

Claims 56-62, 64-67, and 69-90 are pending in this application. By this Supplemental Amendment, claims 56-60, 69-70, 77-78, 83, and 87 are amended, claims 63 and 68 are cancelled, and claim 90 is added. Support for the amendments to the claims and the new claim may be found, for example, in the original claims and throughout the specification. No new matter is added.

The Remarks presented in the September 10, 2007 Amendment are applicable in this Amendment. In addition, the present amendments also further distinguish over the Jacobs reference.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Rejection under 35 U.S.C. §102(a)

Claims 38, 46-48, and 50-55 were rejected under 35 U.S.C. §102(a) as being anticipated by Blond, et al., J. Virol. Vol. 74 No. 7; pp. 3321-3329 (April 2000) ("Blond"), in light of Rasko.

Without conceding the propriety of the rejections, independent claim 56 is amended to more clearly recite various novel features of the claimed invention, with particular attention to the Examiner's comments. Specifically, claim 56 is amended to clarify that the "polypeptide has a sequence selected from the group consisting of: a sequence which consists of amino acids 448-538 of SEQ ID NO:1, and a sequence which has, for each series of 20 amino acids, at least 80% identity with 20 contiguous amino acids of amino acids 448-538 of SEQ ID NO:1." Blond fails to teach or suggest these features. Nowhere does Blond teach or suggest "polypeptide has a sequence selected from the group consisting of: a sequence which consists of amino acids 448-538 of SEQ ID NO:1, and a sequence which has, for each series of 20 amino acids, at least 80% identity with 20 contiguous amino acids of amino acids 448-538 of

SEQ ID NO:1," as required by claim 56. Rasko also fails to teach or suggest the "polypeptide has a sequence selected from the group consisting of: a sequence which consists of amino acids 448-538 of SEQ ID NO:1, and a sequence which has, for each series of 20 amino acids, at least 80% identity with 20 contiguous amino acids of amino acids 448-538 of SEQ ID NO:1," as required by claim 56.

Therefore, claim 56 is not anticipated by Blond in light of Rasko. Claims 61-62, 64-67, 71-76, and 84-88 variously depend from claim 56 and, thus, are also not anticipated by Blond in light of Rasko. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. New Claims

By this Amendment, new claim 90 is presented. Claims 57-60, 69-70, 77-83, and 89 are amended to variously depend from claim 90.

Blond was published in April, 2000. The present application filed May 1, 2002, claims priority benefit of FR 99.11141, filed September 1, 1999. Claim 90 is fully supported by FR 99.11141. Accordingly, claim 90 is entitled to the benefit of the September 1, 1999 filing date of FR 99.11141. Claims 57-60, 69-70, 77-83, and 89 variously depend from claim 90 and, are also entitled to the benefit of the September 1, 1999 filing date of FR 99.11141. As Blond was published after the September 1, 1999, effective filing date of claims 90, 57-60, 69-70, 77-83, and 89 of the present application, Blond is not available as prior art against claims 90, 57-60, 69-70, 77-83, and 89 of the present application under 35 U.S.C. §102(a).

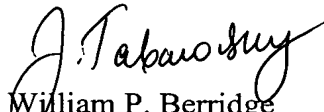
For the foregoing reasons, Blond is not available as prior art against claims 90, 57-60, 69-70, 77-83, and 89. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested. New claim 90, and dependent claims 57-60, 69-70, 77-83, and 89, is believed to be patentable over the cited references. Prompt examination and allowance of new claim 90 and dependent claims 57-60, 69-70, 77-83, and 89 are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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